

**To:** Ostrander, David[Ostrander.David@epa.gov]  
**Cc:** Foster, Althea[Foster.Althea@epa.gov]; Michaud, John[Michaud.John@epa.gov]  
**From:** Ward, W. Robert  
**Sent:** Wed 9/23/2015 8:13:28 PM  
**Subject:** RE: Draft criteria to support the decision to conduct limited Repairs of Response Related Damages.

Thanks, David. Working with John Michaud on this and one of us will get back to you. Bob

W. Robert Ward

U.S. Environmental Protection Agency

303-312-7100 (direct)

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**From:** Ostrander, David  
**Sent:** Wednesday, September 23, 2015 12:01 PM  
**To:** Ward, W. Robert  
**Cc:** Foster, Althea; Barry, Michael  
**Subject:** FW: Draft criteria to support the decision to conduct limited Repairs of Response Related Damages.

Bob, we need to fairly quick response about our legal authorities related to this proposal for sediment removal under the premise of property damage from the GKM incident. We can discuss further if you have questions.

thanks

**From:** Barry, Michael  
**Sent:** Wednesday, September 23, 2015 10:09 AM  
**To:** Ostrander, David  
**Cc:** Foster, Althea  
**Subject:** FW: Draft criteria to support the decision to conduct limited Repairs of Response Related Damages.

Hi Dave,

Here is the draft criteria to repair response related damages dealing with sediment on some properties.

Thanks,

Mike

Mike Barry | Office: 617.918.1344 | Cell: 617.680.5466 | [barry.michael@epa.gov](mailto:barry.michael@epa.gov)

Team Leader On-Scene Coordinator,

Emergency Response & Planning Branch

EPA Region 1, 5 Post Office Square, Suite 100 (OSRR02-2), Boston, MA, 02109

**From:** Davis, Joe  
**Sent:** Wednesday, September 23, 2015 10:05 AM  
**To:** Barry, Michael <[Barry.Michael@epa.gov](mailto:Barry.Michael@epa.gov)>; Foster, Althea <[Foster.Althea@epa.gov](mailto:Foster.Althea@epa.gov)>; Romero, David <[Romero.David@epa.gov](mailto:Romero.David@epa.gov)>; Kenneth Rhame <[Rhame.Kenneth@epa.gov](mailto:Rhame.Kenneth@epa.gov)>  
**Subject:** Draft criteria to support the decision to conduct limited Repairs of Response Related Damages.

All,

Below is the draft criteria to support the decision to conduct limited repairs of Response Related Damages. Please provide any comments or observations at your earliest opportunity. We would like to start communicating this approach as needed.

1. Repair actions must be specifically requested by an affected property owner within the established buffer zone.
2. Affected areas must have visual evidence of the yellow-orange sediment, and be attributable to the Gold King Mine Release Event.
3. Affected areas to be considered are limited to very slow-moving water or land areas (such as backwaters, eddies, ponds or an-land deposits) which have limited or minimal flushing capability. Some irrigation ditches might be determined to meet this criterion.
4. Affected areas may include places where there is high public use or frequent visitation by young children, e.g., a park.
5. Affected areas must be accessible for the repair actions. i.e., EPA and contractors must have access and be able to drive in with vehicles and equipment.
6. Proposed repair actions will only be performed if there is the ability to visually identify the sediment (i.e., if there is snow cover, cleanup cannot be performed because there is not the ability to visually identify the sediment).

In addition, if repair actions are performed, property owners must agree that EPA can stage the waste on their property for approximately 6-8 weeks while disposal is being arranged.

Currently, we anticipate that the total number of properties that would require repair actions is approximately ten or less (more likely, 5, to 8 properties). It is anticipated that the majority of the repair actions will be limited in scope (one or two day operations), and that the volume of material excavated would likely be less than ten cubic yards (with the exception of the Ford property, which may be approximately 10 to 15 cubic yards).

Joseph Davis

Federal On-Scene Coordinator

Hazmat/Oil/Disaster Response

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